

EDMONDS CITY COUNCIL APPROVED MINUTES

May 10, 2005

Following committee meetings beginning at 6:00 p.m., the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Marin in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Richard Marin, Mayor Pro Tem
Jeff Wilson, Council President Pro Tem
Dave Orvis, Councilmember
Michael Plunkett, Councilmember
Mauri Moore, Councilmember
Peggy Pritchard Olson, Councilmember
Deanna Dawson, Councilmember

ELECTED OFFICIALS ABSENT

Gary Haakenson, Mayor

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Serv. Director
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Jennifer Gerend, Economic Development Dir.
Noel Miller, Public Works Director
Steve Bullock, Senior Planner
Linda Hynd, Deputy City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

(A) ROLL CALL

(B) APPROVAL OF CITY COUNCIL MEETING MINUTES OF MAY 3, 2005

(C) APPROVAL OF CLAIM CHECKS #79278 THROUGH #79437 FOR THE WEEK OF MAY 2, 2005. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #40649 THROUGH #40728 FOR THE PERIOD APRIL 16, APRIL 30, 2005, IN THE AMOUNT OF \$843,343.49

(D) ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM SHANE THOMAS KEEFER (AMOUNT UNDETERMINED)

(E) PROCLAMATION IN HONOR OF BUILDING SAFETY WEEK, MAY 9 – 13, 2005

Approve
5/3/05
Minutes

Approve
Claim Checks

Claim for
Damages

Building
Safety Week

(F) **AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH QUANTUM ENGINEERING AND DEVELOPMENT, INC., FOR A DETAILED ENERGY COST AUDIT FOR CITY BUILDING FACILITIES (\$47,220.00)**

3. AUDIENCE COMMENTS

Ray Martin, 18704 94th Avenue W, Edmonds, summarized an email he sent to the Council today, agreeing with Mr. Hinshaw's assertion of uncertainty regarding building rules, noting the building rules were not only uncertain for the developer's but also for citizens. Mr. Martin inquired about the affect that the new modulated buildings would have on view corridors and recalled special rules for favorite builders had backfired in the past with regard to the economic welfare of the community. He cited averaging as another questionable concept. He referred to a concept that would increase heights in exchange for setbacks, questioning whether the result would be buildings 18 inches apart. He commented on the failure of four Councilmembers to address the building heights issue, noting the greatest uncertainty of all was dealing with building heights. In rebuttal to the Economic Development Director's report last week, he provided a comparison of Edmonds' third and fourth quarter 2004 taxable retail sales unit count, Woodway up 25%, Mill Creek up 21.4%, Mukilteo up 17.6%, Edmonds up 12.7% , Lynnwood up 12.4% and Mountlake Terrace down 4.4% with the average being 14.1%. He questioned what the Economic Development Director was doing for the City at a cost of approximately \$100,000 per year, the equivalent of the Edmonds city tax for over 200 homeowners.

Al Rutledge, 7101 Lake Ballinger Way, Edmonds, announced the Kiwanis Club's annual berry sale, explaining prices remained the same – \$25 for 15 lbs. of strawberries, \$27 for 14 lbs. of raspberries and \$20 for 10 lbs. of blueberries. He advised the funds raised from the berry sale were distributed to over nine organizations in the City. There were current 392 customers and the goal was to add 50 more. He encouraged the public and the Council to support the berry sale.

Natalie Shippen, 1022 Euclid, Edmonds, recalled last month Mr. Hinshaw recommended retail areas be compact, last week he added that one of the tasks for the Council would be to determine what streets were most appropriate and desirable for retail, keeping that number low, and not forcing mixed use in areas where it was not appropriate. She pointed out Mr. Hinshaw was the third consultant in six years to recommend compact retail as well as recommend reconsideration of the mixed use concept because of problems it caused. She recalled in 1999 HyattPalma reviewed the economic situation and divided the BC zone into sub-districts, including a specialty cluster where retail uses, food establishments, entertainment and art would be located. HyattPalma recommended those uses be primarily on the first floor and as the overall retail market became stronger over time, uses could be placed in appropriate and acceptable upper floors. She recalled when the Planning Board asked Heartland which scenario would provide the greatest tax revenue for the City, the consultant suggested the City encourage non-residential uses on upper floors for the greatest return to the City and that better designed retail space would benefit the City. She recalled drawing the Planning Board's attention to these recommendations in a letter she wrote in October 2004, stating the merchants in Edmonds would prefer higher first floor ceilings in the BC zone which could be granted in a limited area of the BC zone to discourage retail sprawl. At the Planning Board's public hearing, she recommended the Board reconsider the concept of mixed use development as it did not appear to be working. She noted reconsidering the mixed use concept would solve the height dispute which was created via the retail/residential combination as separating residential from retail would provide adequate height within the 30-foot height limit. She recommended the Council digress from the minutia they had been discussing and discuss three consultants' recommendations.

Ron Wambolt, 530 Dayton Street, Edmonds, recalled at last week's meeting, Mr. Hinshaw reviewed Edmonds downtown architecture, raving about older buildings and voicing dislike for newer buildings. He recalled Mr. Hinshaw found the characteristics in older buildings were conducive to retail businesses;

however, newer buildings were not as customer-friendly. Mr. Hinshaw recommended returning to classic rules. Mr. Wambolt noted the other major factor in Edmonds that had produced retail-inferior buildings was the departure from developing buildings for the ultimate user whose goals are to cater to customers and maximize sales to the current era where the City's building codes and guidelines cater to the speculative developer whose sole goal was to maximize profits. He referred to the end-users who have renovated one-story buildings in the past year, concluding the undesirable situation was not caused by this City Council; however, this Council had the chance to turn the situation around. He recommended the Council "just do it."

Building
Heights and
51% Ratio for
Retail

Roger Hertrich, 1020 Puget Drive, Edmonds, commented the last three meetings with the consultant had been a pleasure as he seemed to endorse the same things the petition signers endorsed, maintaining downtown Edmonds within its present limits. Mr. Hertrich noted one of the reasons the City had reached this point with the problems with retail was the pressure that resulted from the construction of the building across from Petosa's with two stories of residential above one story of "squashed" retail space. He recalled at that time there was a requirement for a 51% ratio of retail in downtown buildings which was later eliminated by those who wanted more residential and less retail. He commented that ratio worked because it ensured each building was 51% retail. He noted later changes allowed retail to only a 30-foot depth on the first floor to accommodate parking in the rear, allowed garage entrances and entrances for residential to be included in the main entrance of the building, and the result over time was a reduction in the first floor retail space to accommodate the developer's desire for residential space. He recommended returning to the requirement for 51% ratio for retail.

4. MAYOR'S COMMENTS

May 31
Community
Outreach
Meeting

Mayor Pro Tem Marin reminded of the Council's Community Outreach Meeting on the fifth Tuesday, May 31 in the Seaview Elementary library. He encouraged the public to come to the meeting and talk to the Council in a setting where the dress was casual and there were no cameras and no time limits.

Excused
Absence

MAYOR PRO TEM MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, TO EXCUSE COUNCILMEMBER WILSON FROM THE MAY 3 MEETING. MOTION CARRIED (6-0-1), COUNCILMEMBER WILSON ABSTAINED.

5. COUNCIL COMMENTS

Council President Pro Tem Wilson referred to Ms. Shippen's comments at last week's meeting regarding the definition of gothic and offered to speak with her after the meeting.

Sound Transit

Councilmember Moore announced Mayor Pro Tem Marin had been appointed to the Sound Transit Board. She explained to be appointed, one must be a Councilmember and on the Community Transit Board (on which Mayor Pro Tem Marin serves as the Vice President). She explained the Sound Transit was comprised of 18 elected officials in three counties and 54 cities who meet biweekly to plan Phase 2 and the route for light rail in Snohomish County.

Mayor Pro Tem Marin declared a brief recess.

6. WORK SESSION ON CODE REVISIONS TO SUPPORT THE COMPREHENSIVE PLAN

Code Revisions
to Support the
Comprehensive
Plan

Mayor Pro Tem Marin explained this was the Council's third work session; the Council would hold its final work session on May 24 to review draft code language which would be forwarded on to the Planning Board for their public process and a report back to the Council. The Council would then review the code

language again prior to final adoption. Development Services Director Duane Bowman estimated the Planning Board's review would take 2-3 months.

Mark Hinshaw, LMN Architects, explained tonight's presentation would show images from the tour of Fairhaven, a district in Bellingham, that had a number of useful lessons for Edmonds. He explained Fairhaven had a mixture of uses – residential, commercial, retail, while facing west, is near the water, and had a similar scale, history and grain/texture.

Mr. Bowman agreed there were many striking similarities between Edmonds and the Fairhaven district, that Edmonds was incorporated in 1890 and Fairhaven was incorporated in 1899. He displayed a map of Fairhaven, identifying their historic district, the commercial area comprised primarily of retail and mixed use, industrial areas near the waterfront that includes the Alaskan Ferry, sewer treatment plant, single family neighborhoods, and high density multi-family residential areas. He noted Fairhaven was also similar to Edmonds topographically, with the area stair-stepping down the slope to the west.

Mr. Bowman explained last Friday, Councilmembers Marin and Olson, Community Services Director Stephen Clifton and he visited Fairhaven and took a number of photographs. He noted there are no parking requirements for commercial uses in the Fairhaven commercial district, other than for lodging facilities. He displayed a photograph of a new building in the historic district constructed in 2004, Village Books, and an adjacent 2-story building constructed in 1890. He noted the oldest building, the 4-story Masonic Hall, was located to the left.

Mr. Bowman explained the building height in the historic district was 35 feet and that a building could go up to 54 feet with Council approval. The design review process is administrative; if staff renders a decision up to 35 feet, the decision is appealable to the Hearing Examiner. A request for a building height up to 54 feet requires Council approval and the decision is appealable to Superior Court. He noted the rights-of-way in Fairhaven are 80 feet wide and although the area was platted in a similar time period, there are no alleys, which creates an issue with refuse. Mr. Bowman displayed a photograph of wide sidewalks in Fairhaven, including a photograph illustrating tables and chairs on either side of the sidewalk with area to walk in between.

Mr. Bowman displayed a number of photographs illustrating the colorful, distinctive blade signs used in Fairhaven whose decorative bracing add to the character of the sign. He displayed photographs illustrating the first floor scale of buildings, identifying a new building approximately 35 feet tall with large windows and an open area to the sidewalk. He commented on the wide sidewalks, the street trees and street furniture. He displayed several photographs of colorful painted buildings and interesting, different things to see as one walks around, including signs painted on the walls, a covered gazebo, a fountain, and landscaped areas adjacent to the sidewalk.

Mr. Bowman displayed photographs of an urban park, Village Green, that was made possible by a bond issue to purchase and develop the property. He noted this common area was used for the farmers' market and a large screen was painted on the back side of a building to display outdoor movies. He also displayed photographs of murals painted on buildings in the area. Several photographs illustrated buildings and uses, including an upper dining area, benches, walkways, wide sidewalks with flower pots, planted areas, and blade signs. He commented it was fun to walk around Fairhaven. He noted the street trees, which had street grates and decorative tree guards, were pruned from the bottom up to maintain the crown of the tree and open up the retail space.

He described a photograph where a building was demolished and a courtyard created between buildings, with several shops and offices, including a restaurant with an outdoor seating area. He displayed

photographs of newer buildings, many with historic character, including one new building adjacent to a historic building where the historic features of the older building were incorporated into the new building. He displayed a photograph of two buildings, one old and one new, pointing out the difficulty in distinguishing the difference between the old and the new. He pointed out the windows, cornice treatment and brickwork on the buildings.

He displayed and described examples of buildings that did not fit well within the district, one that was constructed prior to design guidelines, and another building that was constructed in the early years of the design guidelines that was referred to as a “learning building.”

Mr. Bowman provided photographs of a 5-story mixed use building under construction to the west of the historic area, pointing out the high first floor ceilings and four floors of condominiums above. He noted a 9-story building that was proposed in front of this building and to the south that would not block the views from the 5-story mixed-use building. He noted there was no height limit in the Planned Commercial zone where these buildings were located.

Mr. Bowman displayed a photograph illustrating how a building in Fairhaven followed the slope, and described how a building on a similar slope in Edmonds would look. He explained unlike Edmonds’ method of calculating building heights which results in a tall building on the down slope and lower building on the upper slope, Fairhaven calculates building heights using the mean elevation at the sidewalk which steps the buildings down a slope. He noted the real estate market in Fairhaven is very hot; the average house price in 2004 increased from \$233,000 to \$274,000 in 2005.

Mayor Pro Tem Marin commented that when touring Fairhaven, in addition to seeing the interesting looking old buildings, was the feeling/experience he had within the first 12-15 feet of the sidewalk – it felt good to be walking down the street and interacting with the stores. He commented on examples of how one was drawn into a space because of the emphasis on the building front in that 12-15 foot area.

Councilmember Olson commented on a nursery whose wares spilled out onto the sidewalk, and noted that when walking down the sidewalk it often felt like walking through stores rather than past stores.

Councilmember Plunkett referred to the first photograph (Village Books building) and asked the height of the building. Mr. Bowman estimated it was 38 feet. He offered to obtain the exact height of any of the buildings from Fairhaven staff.

Mr. Hinshaw noted that the Village Books building was an example of a historical era where upper floors were also taller, which required higher ceiling heights. He agreed the first 12 vertical/horizontal feet was an area Fairhaven has nurtured, as well as blurred the distinction between the private and public areas of sidewalk. He noted this provided the appearance of a private garden in front of each store that collectively passersby could enjoy. He noted Fairhaven was a stunning example of focusing on the first 12-15 vertical/horizontal feet. He noted this had occurred in a fairly short timeframe; almost none of it existed when he visited the area five years ago.

Mr. Hinshaw encouraged Councilmembers to experience the area for themselves, noting there were likely lessons to be learned from discussions with the private sector in Fairhaven as well. Mr. Bowman commented that they had met with the son of a local developer who was the driving force behind the resurrection/renewal of the Fairhaven district who allowed them to look at the inside of an old building he was restoring. Mr. Bowman agreed much of the renewal had occurred fairly recently. He commented Fairhaven allows sandwich-boards and, although they were not technically allowed by the code, they could be located in front of a building but not in the center of the sidewalk.

Councilmember Plunkett referred to the map of the area, inquiring about the relationship of the water to the location of residential areas. Mr. Bowman identified single-family neighborhoods, multi-family and single-family mixed areas, and multi-family areas. Councilmember Plunkett concluded the vast majority of residents with views to the west, other than those directly to the east of the commercial area, had unobstructed views of the water. Mr. Bowman identified the views from the residential areas. Councilmember Plunkett observed most residents did not look over the downtown buildings for their view. Mr. Bowman concurred.

Councilmember Orvis asked whether the Edmonds code prohibited blade signs. Mr. Bowman answered no, although Fairhaven strongly encouraged the use of blade signs. He noted any of the signs shown in the photographs of Fairhaven would be permitted in Edmonds. He noted staff was discussing taking photographs of the signs in Fairhaven to use as examples for businesses. He commented the only difference may be the height between the sidewalk and the bottom of the sign as the Edmonds code requires a minimum clearance under the sign, although the blade signs in Fairhaven were well up on the building. He noted having the trees trimmed from the bottom up facilitated the visibility of the blade signs and first floor area.

Council President Pro Tem Wilson commented the photographs, particularly in the historic district, did not show awnings and asked whether that was by choice or if Fairhaven discouraged awnings. Mr. Bowman answered Fairhaven did not discourage awning and in fact the planner commented they would like to see more awnings. However, he noted, awnings may overly dominate the front of a building and create shadows. He noted Fairhaven was a pleasant place to walk when it was sunny, but he recalled from his college days that the winds from the north can make it miserable when it rains. He noted the awnings that have been installed have signage on the sides rather than on the face of the awning to provide uniformity with the blade signs. He recalled one example where an awning blocked a business' blade sign.

Councilmember Wilson inquired about the uses on the upper floors in the historic district, noting from the photographs it was apparent the first floors were used for commercial. Mr. Bowman answered they were a mix of residential and commercial, recalling a yoga studio in one of the upper floor spaces of an older building. Council President Pro Tem Wilson asked whether commercial uses were encouraged above the first floor. Mr. Bowman answered either residential or commercial was allowed.

Council President Pro Tem Wilson inquired about the occupancy rate in the downtown commercial space. Mr. Bowman answered he had only observed one vacant space during their tour, which he commented was amazing for that entire area. Mr. Hinshaw emphasized the importance of having a substantial number of people living nearby to support the retail business. He estimated the retail vacancy rate 5-6 years ago at 20-30%, primarily because no one lived in the commercial area. He noted the thousands of people now living within a 15 minute-walk were enough to support a lot of new retail.

Councilmember Moore commented Everett was considering expanding mixed use to get more people living downtown.

Council President Pro Tem Wilson referred to Mr. Hinshaw's comment regarding residents living within a 15-minute walk to support downtown and his earlier comment that some buildings were more conducive to all retail or all residential. Mr. Hinshaw answered that a 15-minute walk was a universal comfort level. He explained that when they do community planning, they overlay a template of an area to determine what could occur in that area. He agreed there could be single purpose commercial buildings and single purpose residential buildings, as well as a mix of both, to fill all the niches in the marketplace.

He noted every building did not need to be mixed use but the neighborhood/district needed to be mixed use so that people were walking about. He emphasized the secret was to find a way to provide as many choices as possible. Mr. Bowman recalled in Mill Creek's Town Center, the commercial builders wanted to see the residential development that would support the commercial development. He explained once the residential development occurred north of Mill Creek's Town Center, Mill Creek amended their plan and commercial development in the town center increased rapidly.

Mr. Hinshaw noted Fairhaven managed to set the bar of expectation very high; their design review process has lead to competition between developers to do better and better and outdo the previous building. He referred to the predominance of masonry materials, very little use of stucco, etc. to emphasize the richness of the experience. He acknowledged Fairhaven learned from some examples that they could not let poorly designed buildings slip in because they would detract from the rest of the buildings. He noted the goal was good, solid, long-term investments; if buildings that detracted from that were allowed, other developers would not want to invest in the area because it would be too risky.

Mr. Hinshaw described their experience working with Washougal, Washington, where a developer who wanted to do a mixed-use development in the town center was demanding the city establish a set of design standards to set the bar very high so that subsequent building around him would be held to the same high standard. He suspected Fairhaven had a very strong merchant association that fostered the decorative signs, noting that was often more effective than regulations in encouraging business. He commented Edmonds could establish a sister city relationship with Fairhaven.

Mr. Hinshaw prefaced the next portion of the presentation, discussing the issue of height, by stating he was presuming the Council would want to enact a set of design standards that was not just an issue of heights but other qualitative things that encouraged better and better forms of development. He noted if all the Council was interested in was changing numbers in the code, that would not accomplish the desired outcome. He anticipated if all the Council did was change height regulations, the city would not be in any better place a year from now. He recommended the Council make changes that would result in the code working better, being more effective, being simpler perhaps, being more descriptive of expectations and demand that people do a better job of developing.

Mr. Hinshaw displayed an aerial map of Edmonds downtown and waterfront area, explaining this was his initial take on dividing the downtown into districts and maximum heights. He explained he had not had any discussions with any staff members in preparing the heights or district boundaries, nor did the budget allow him to survey every building. He cautioned some of the things he would display may not be acceptable to everyone.

He displayed a drawing illustrating how heights are currently calculated in Edmonds, measuring to an average point from grade. He offered that this method was producing rather crude results that most people did not like, a blocky, chunky, clumsy development pattern. He noted this was exacerbated when someone developed an entire block, and the larger the building was, the more ungainly its proportions were. He commented it may be okay for a very small, singular building of approximately 7,000-10,000 square feet. He concluded the way the city measured height was the first place he would recommend a change.

Mr. Hinshaw suggested instead dividing the site into quarters along the length of the slope and measuring the height at each of the segments to produce a stair-stepped building hat would break up the massiveness. He cautioned the city obviously would not want every building to literally stair-step down the slope because that would be boring. He suggested in the center segments there could be some latitude for shifting the step to provide the opportunity for variety, possibly determined via the design review

process. He noted the end result would be that the outer portions, the ends that affected neighbors, would be fixed, but the center sections could be shifted to provide some variety. He noted the roofs need not necessarily be flat, but there could be pitches. He noted possibly this method would not apply to very small buildings and suggested possibly there could be two different height measurement methods, one for larger buildings and another for smaller buildings. He noted this would provide some incentive for smaller increments of development and make larger buildings look like a series of smaller buildings. He noted Fairhaven may have an easier way of calculating heights than the way he was suggesting.

Councilmember Orvis commented on a site that was 120 feet deep with a 5% slope, the difference in height from the upper corner and the lower corner would only be six feet, making each step very small. Mr. Hinshaw answered that within the envelope of the building, the steps and building form could vary.

Council President Pro Tem Wilson asked whether the parcel size was based on the square footage of the parcel or linear frontage. Mr. Hinshaw answered that it could be either, the mechanics and details would need to be worked out. He stressed this was only a conceptual notion, a tool that would result in new development with a scale/form that fit better.

Using a parcel map of the downtown, Mr. Hinshaw displayed a ¼ mile radius of the downtown, the comfort level for most people to walk around. He noted most of the pedestrian-oriented retail, the area where there was 100% occupancy of the retail space, was within this ¼ mile radius. He noted in this area, the terrain was generally flat other than a slight slope. He commented as soon as the slope increased, retail began to suffer. He noted it was rare to see retail in areas such as downtown Seattle or San Francisco on sloping streets; it was the flat streets where the retail flourished.

He noted although there was one downtown district, there were actually quite dramatic differentiations. However, the City has a one-size-fits-all code, treating the entire area the same, with no differentiation for topography, history, scale, etc. He suggested giving consideration to determining how to get more character for each different area and let the areas evolve on their own to have their own distinct personality. He noted the area within easy walking distance, the inner heart, was what people loved about downtown Edmonds, and was the area they were the most fearful would change and lose its character, charm and individuality that people treasured.

Again using the parcel map, Mr. Hinshaw identified buildings with historic character, most within the central heart of downtown within a 2-3 block area. He assumed the character, scale, charm, and individuality of those buildings were treasured and there may need to be mechanisms to ensure that area is not changed very much. He noted height may not be the only way. He identified the art district near the proposed Edmonds Arts Center where it was envisioned small houses would be retained for commercial uses. He pointed out a special mechanism other than building heights and design guidelines would be necessary to ensure that occurred. He referred to the conservation district that Bozeman, Montana established.

He identified three-story buildings on the map, some new and some old, noting they were not located in the center of downtown but were around the edges. He noted many cities have a lower height in the center than are allowed on the edges, often the retail in the center was ringed by mixed-use and residential. He noted in downtown Seattle and the Bellevue Square area, the retail core had a substantially lower height than the perimeter. He recommended this be used judiciously to ensure there are a lot of people living in the downtown to support the retail uses.

Mr. Hinshaw reiterated the Edmonds code was one-size-fits-all; however, Edmonds was sophisticated, mature and diverse enough to have a code that had a more delicate, refined nature. He noted Edmonds, like other cities, had been affected by suburban zoning, which was generally one-size-fits-all.

He displayed a parcel map identifying possible overlay districts in which the height would vary for each district. He stressed the boundaries were his initial thinking and did not represent a huge amount of study. His overlay identified the inner core area with a 25-foot height limit where there would be ground floor retail and either commercial or residential development on the second floor. He noted this would ensure the continuance of the existing scale that people liked within the core area. He noted this area was a highly walkable, retail zone, with a more historic or small-town nature. He noted there were some sites within this overlay district where an occasional higher building may be acceptable. He commented Edmonds, like Fairhaven, could approve individual projects with a taller height on a case-by-case basis.

He identified another overlay district near the proposed Edmonds Center for the Arts that he suggested as a conservation district, again with a 25-foot height limit. He identified two areas further down the slope where the maximum height could vary from 30 feet for a residential-only building or 33 feet if ground floor retail were provided. He noted this recognized that the retail area would expand as demand increased and the health of commercial activity increased. He noted the additional height would only be allowed for a substantial amount of first floor retail, which could be based on a percentage to ensure it was not just token retail. He identified an area that could be considered a gateway to downtown where building heights could be 30 feet as it was unlikely retail would flourish there due to the distance from the core. He concluded in his concept that there were multiple overlay districts that are tailored to respect/reflect the character of the area.

Council President Pro Tem Wilson referred to the area where building heights could vary from 30 feet for residential and 33 feet with ground floor retail, asking whether the first floor would need to be retail or could be commercial. Mr. Hinshaw suggested the higher first floor ceiling heights were necessary for retail and therefore allowing the taller height should be dependent on a commitment to lease the ground floor for true retail use with generous storefront windows, etc. Council President Pro Tem Wilson inquired whether that design would occur via design review. Mr. Hinshaw answered yes.

Councilmember Moore commented when a building is constructed, often the developer does not know who will lease the space and it could change over time, such as the retail customer moving out to be replaced by an office use. She noted this appeared to conflict with earlier statements that not every building needed to be mixed-use. Mr. Hinshaw agreed, pointing out that there could be purely residential buildings in that area that would be restricted to a 30-foot building height. Councilmember Moore inquired whether that would pencil out in the downtown corridor. Mr. Hinshaw answered 30 feet would accommodate three full floors of residential, a taller building height would be required for four floors. He commented it could be that the developer would need to design the space for retail with large storefront windows, high ceilings, recessed entrance, etc. with the expectation that the space would be used for retail at some point, although in the interim it could be leased for a non-retail/commercial use. He noted there were some communities where ground floor retail was required on certain streets.

Mr. Hinshaw acknowledged there were some uses occurring in the Edmonds retail core that were not contributing to the retail energy; in other communities those uses were not acceptable on the ground floor in the core area. He noted the interruption of the retail experience by more than 25-30 feet led to passersby losing interest; interesting things like dresses, antiques, kitchen wear, artwork, etc. were what attracted people to the retail core.

Mayor Pro Tem Marin inquired how architectural features, such as clock towers, etc., would be treated within the height limit. Mr. Hinshaw answered there could be in the definition of height an exception for a very small area that was purely decorative to embellish a building. He noted this would need to be tightly defined, such as a percentage of the roof area, to ensure no one took advantage of it. He noted it also could only be allowed on certain gateway corners.

Councilmember Plunkett commented the Council's discussion began with a height downtown, progressed to possibly having different heights downtown, and then the Council determined numbers were not important and spent three months hearing how numbers were not important. He noted Mr. Hinshaw's presentation began by saying numbers were not important, yet, now during the final analysis, he had selected numbers, when the Council had been waiting to hear why they did not need a number. He concluded the Council was back at the same issue it had been discussing three months ago. Mr. Hinshaw clarified he did not mean to imply numbers were not important, only that they were not the only thing the Council should focus on because focusing on height would not result in quality buildings. He noted at some point, the city had to have numbers to provide to the people doing the development. He suggested, based on his observation, that this could be one reasonable, conceptual way of crafting the downtown to have a more refined atmosphere rather than a one-size-fits-all.

Councilmember Orvis asked whether the intent was to measure building height from the east-west side, from the front to the alley. Mr. Hinshaw answered it was based on selecting a new method of measuring height.

Councilmember Moore acknowledged this was a reasonable approach and asked if there were other approaches and, if so, wouldn't the City Council and Planning Board just continue their debate. Mr. Hinshaw agreed there were many, many ways; his goal was to make it not overly complex, such as a different height limit for each block, but also complex enough to allow the different districts to evolve. He noted to argue about a few feet was silly and a waste of energy as long as the height was within the ballpark. He noted he had used 33 feet because he had heard that number during discussions; had he not heard that number, he may have used 32 feet or 34 feet, all were within the same ballpark. He urged the Council to pick a number and it would work.

Council President Pro Tem Wilson asked whether Mr. Hinshaw was comfortable that the types of buildings that would result in any of the overlay districts would fit within the scale/mass of what was appropriate for the downtown and the streetscape, pedestrian feel, character, etc. Mr. Hinshaw answered only if it was coupled with much better, crisper, more demanding set of design standards. He acknowledged there was a classic rule of building height to street width ratio and because Fairhaven streets were wider, it was still comfortable with a fourth floor. He assumed a fourth floor in Edmonds would be stretching the limits of comfort. He noted the core was precious enough to require a 25 foot height limit in the near future, noting there was some value in retaining an area where not a lot of change would occur.

For Council President Pro Tem Wilson, Mr. Hinshaw envisioned the zoning code would contain a similar map with height limits.

At Councilmember Dawson's request, Mr. Hinshaw invited Councilmembers to contact him with specific questions and offered to provide copies of his presentation.

Councilmember Moore observed that other than the numbers, there were some issues that the Council could agree upon, such as the simplicity of the code, first floor ceiling heights at the sidewalk level to protect the 12x12 streetscape, eliminating the requirement for first floor commercial in some areas,

instituting a new method for measuring height, eliminating the requirement for modulation, and providing public spaces. She recalled a public comment suggesting the City require wider sidewalks and asked whether that was possible. Mr. Hinshaw answered the City could require wider sidewalks, however, it would be a hundred years before all the sidewalks were wider and the interim with some sidewalks being wider and others not may be problematic. He did not recommend allowing increased height for wider sidewalks; however, there could be a requirement that the third floor be setback 5-7 feet, as was often done on older buildings.

Mayor Pro Tem Marin noted the stepback area could provide space for a roof garden. Mr. Hinshaw agreed that would be appropriate for a private garden.

Councilmember Moore asked whether extra height should be allowed for an elevator shaft to a roof garden. Councilmember Olson recalled a roof garden with a glass railing in Fairhaven. Mr. Hinshaw responded most codes exempted elevator shafts, parapet walls, railings, etc.

Councilmember Plunkett questioned whether because of the extensive amount of time the Planning Board had spent on heights if they wanted to again review heights. He recalled Mayor Haakenson mentioning they did not. He commented there was nothing new as a result of this discussion that would entice the Planning Board to again discuss heights. However, there were many other good ideas for the Planning Board to consider and he welcomed the opportunity to refer them back to the Planning Board.

Mayor Pro Tem Marin commented Mr. Hinshaw's map looked remarkably like the map provided by the Planning Board. He emphasized his main concern has been preserving the retail core and ensuring adequate ceiling heights. He was pleased with the description of ways to make the retail areas work. He was satisfied with retaining a 30-foot height limit in the retail area and even a lower building height in the retail core as he wanted to ensure the retail was vital. He noted Mr. Hinshaw's proposal contained only a few blocks where an incentive for a 33-foot building would be provided to ensure first floor retail was vital.

Mayor Pro Tem Marin referred to the PowerPoint presentation he provided several weeks ago that illustrated 33-foot buildings would not block views. He recalled after his presentation, members of the public indicated view blockage was not their main issue. If the Council could agree on draft language, it would provide direction for the Planning Board's review. He agreed with Councilmember Moore that there were several tremendous goals provided by Mr. Hinshaw that could vastly enhance the City's code and produce better results.

Councilmember Moore agreed the Council had learned a lot, for example, eliminating modulation, and unfortunately the Planning Board had not had the benefit of that insight.

Council President Pro Tem Wilson commented Mr. Hinshaw's proposal was a great concept that may need some tweaking. He agreed with Councilmember Moore regarding the value of design and how it could enhance/detract from the retail experience. He suggested the use of alleys as pedestrian linkages to assist in moving through downtown. He noted Mr. Hinshaw's discussion had assisted in answering many questions including the importance of design appropriate to the scale of downtown and how it relates to the historic character and the surrounding area.

Mr. Hinshaw advised the next step was a draft document, which he noted would be a work in progress and even as development occurred tweaking it would be necessary.

Mayor Pro Tem Marin invited the Council's input on whether anything that had been discussed over the past three weeks was not acceptable. He wanted to ensure Mr. Hinshaw had been given enough direction to develop a draft code.

Councilmember Plunkett commented that he liked everything from a conceptual point of view; however, he would not be supportive of anything with taller building heights.

Councilmember Orvis agreed that everything discussed was acceptable with the exception of heights. He was skeptical of the concept of stepping buildings down the slope. He noted the original height limit was established for a predominantly 2-story downtown. He found measuring from east to west would be detrimental to people living on the east side because of the larger façade that would result. He favored a reduced building height for buildings that were stepped down a slope.

Council President Pro Tem Wilson commented 3rd Avenue was the demarcation of where the slope begins to drop off and east of 3rd Avenue was the core where Mr. Hinshaw suggested 25-foot building heights. To the west of 3rd Avenue where the topography begins to slope, a 30 or 33-foot building would be less visible because it would be at a lower elevation. Mr. Hinshaw assured the boundaries of the overlay districts could be shifted.

With regard to the concept of stair-stepping, Council President Pro Tem Wilson commented it may be more appropriate to consider the linear frontage of a site. Mr. Hinshaw suggested the City consider the method utilized by Fairhaven.

Councilmember Dawson asked if there were ways, other than additional height, to encourage/reward people for developing retail on the ground floor in the area where 30 or 33-foot heights would be allowed. Mr. Hinshaw answered there were many 3-story buildings in the City, the development pattern was not 2-story buildings any longer, that pattern was broken decades ago; therefore, the City needed to ensure it did not continue to get the 70's era, clunky buildings that were not sensitive to the history of the community. He noted a 30-foot building height was a tease that sent a mixed message. Often people would try to develop three stories and the result would be that one story suffered. He noted it would be better to limit buildings to one story and accept that redevelopment would not occur. He noted Mercer Island tried a 25-foot height limit, essentially a 2-story height limit, and no reinvestment occurred for 12 to 15 years. Only in the last four years when Mercer Island has allowed more intensity has more reinvestment occurred. If the Council wanted to restrict redevelopment, he agreed a 25-foot overall height limit would be appropriate.

Councilmember Dawson observed Mr. Hinshaw suggested a 25-foot height limit in the core area. Mr. Hinshaw agreed that that relatively small area was precious enough that the city was willing to give up some redevelopment potential, however, the remaining areas would act as an engine for redevelopment.

Councilmember Moore noted the central core was most in need of redevelopment. Mr. Hinshaw disagreed, noting Bainbridge Island has had predominately 1-2 story buildings downtown for decades and although virtually no substantial redevelopment has occurred, the downtown is very healthy and vibrant with 100% occupancy because of the dense housing around the downtown.

Council President Pro Tem Wilson asked whether there was adequate housing density around the downtown core now to support the area or were changes needed to increase the density around the perimeter of downtown. Mr. Hinshaw agreed there needed to be some more density, noting GMA was directing cities toward that goal anyway and virtually all communities were directing density to their downtown core. In conjunction, increased density supports higher grade retail. He noted vacant spaces,

hobby businesses, etc. in downtown Edmonds were indicators that there was not enough density to support the retail. He concluded there was nothing other than more people that would support a broader choice of good, high quality retail – more people wanting goods and services produces more demand.

Councilmember Plunkett observed Mr. Hinshaw appeared to equate taller buildings with economic development and at the same time that more people created economic development. To suggest that taller buildings equals more people seems to ignore the existing commuter rail service and future expansion of commuter rail service, the 270 new condominiums being developed to the south, the performing arts center to the north that will create \$2.4 million in economic development, investments on Hwy. 99 and the growth that GMA funnels into the downtown, continually increasing property values, the high retail/commercial rental rates, and the continued growth of Snohomish County and Seattle. He concluded there were innumerable factors that will result in more people coming to Edmonds and nothing outside of catastrophe would stop economic growth of Snohomish County, King County, and Edmonds and to equate that a few more building stories was even close to these economic engines seemed to ignore those factors. Mr. Hinshaw answered it simply helped; they all worked together.

Councilmember Plunkett observed Mr. Hinshaw was suggesting that only more stories would result in economic growth when in fact those stories would have a minimal effect as compared to the economic growth that is already occurring. He disagreed with the premise that if the City did not add a few feet of building height, economic growth would not occur.

Mayor Pro Tem Marin observed the downtown BC zone was already zoned for 30 foot tall buildings; the only change Mr. Hinshaw proposed was lower building heights in the center and slightly taller building heights of 33 feet in some areas if ground floor retail was provided. He pointed out Edmonds is in competition with surrounding areas where a tremendous amount of redevelopment and energy is occurring. Mr. Hinshaw identified the areas proposed to have a 30 foot maximum height or 33 foot maximum height with ground floor retail would be allowed.

In response to Mayor Pro Tem Marin's earlier question regarding Mr. Hinshaw developing draft code, Councilmember Plunkett advised that he had yet to decide whether he liked the overlay districts Mr. Hinshaw proposed.

Councilmember Orvis disagreed that the proposed method of measuring heights would match existing height limits. He referred to the Copperstone building where in his opinion they forced a 3-story building on a site better suited for a 2-story building. If the height limit were changed to 30 feet measured from the sidewalk, the result would be a 3-story building. He concluded the 30 foot height as depicted on Mr. Hinshaw's map was a height increase due to the method of calculating the height.

Council President Pro Tem Wilson advised the reason that building was 30 feet was that it was in an area where retail was required on the first floor. Under Mr. Hinshaw's proposal, a building could be 33 feet if they provided 12 foot ceilings for retail on the ground floor. If they did not provide retail on the ground floor, they were limited to 30 feet, the height to which buildings can be constructed now.

Councilmember Orvis disagreed, noting under the current method, they could only build to approximately 27 feet. Council President Pro Tem Wilson responded it would depend where on the site the building was located. Councilmember Moore noted because mixed-use was required, the Copperstone building had to provide retail on the first floor. If that was not required, a 2-story residential building could have been constructed. Councilmember Orvis noted under the proposed method, lot line to lot line, 3-story development could occur, which would be an increase.

In response to Councilmember Plunkett's comments, Council President Pro Tem Wilson noted it was dangerous to assume what was occurring around the city would determine the future of the city. With regard to the number of commuter rail trains, at a recent Snohomish County Tomorrow meeting, Sound Transit was backing away from six round-trip commuter trains; the city could not count on that as an economic driver. Second, with regard to the 270 condominiums being developed on the former Unocal property, that was outside the comfortable walking distance to downtown. With regard to Hwy. 99, little, new successful redevelopment, with the exception of auto dealership/car lots has occurred and although Hwy. 99 had been a high rise corridor for the past 25 years, nothing has happened. He concluded the City could only control what happened within its boundaries.

Councilmember Plunkett agreed everything needed to be taken into context. However, to assume that a 3-story building equaled economic development did not take everything into consideration. He emphasized that economic growth would occur absent economic catastrophe. He asked for clarification whether according to Mr. Hinshaw's map, all the areas with a 30 foot height limit could have a 33 foot building. Mr. Hinshaw identified the two districts on the map where a 30 foot, all residential building or a 33-foot building with ground floor retail would be allowed. He noted in the other areas where 30 feet was indicated, the height would be fixed at 30 feet. Councilmember Plunkett observed the areas where a 30-foot, all residential building or a 33-foot building with ground floor retail would be allowed covered approximately half of downtown. Mr. Hinshaw reiterated this was a conceptual map, his take on how the concept of a variable height limit could be applied.

Councilmember Moore agreed three stories did not equate to economic development and littering the City with really ugly, square, 3-story buildings would kill it. Economic development was about everything else – design, the 12 by 12-foot outdoor living room, the use of the building, etc. She emphasized not allowing redevelopment someplace would kill the downtown. She pointed out Edmonds was not a destination city and would never be a destination city unless redevelopment occurred and unless there was a boutique hotel. She encouraged the Council to consider zoning that allowed for a boutique hotel.

Mayor Pro Tem Marin commented that although the Council was frustrated and Councilmembers have different points of view regarding how to accomplish it, all could agree they wanted to continue to have a great downtown core and not to miss that opportunity. He concluded Mr. Hinshaw would provide draft language to the Council in two weeks and it was important to remember everyone who lived in the City loved it and wanted to see it prosper.

With no further business, the Council meeting was adjourned at 9:36 p.m.